

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ROSY GIRON DE REYES, *et al.*,

Plaintiffs,

v.

WAPLES MOBILE HOME PARK
LIMITED PARTNERSHIP, *et al.*,

Defendants.

Civil No.: 1:16cv563-TSE-TCB

**MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION TO SEAL**

Defendants Waples Mobile Home Park Limited Partnership, Waples Project Limited Partnership, and A. J. Dwoskin & Associates, Inc. (collectively "Defendants"), by counsel, pursuant to Local Civil Rule 5, submit this memorandum of points and authorities in support of Defendants' Motion to Seal (Dkt. 251).

I. Introduction

Defendants agreed to a Stipulated Protective Order (Dkt. 45), which requires the parties to file information designated as confidential under seal with the Court. Pursuant to the Stipulated Protective Order (Dkt. 45), Plaintiffs have designated certain documents as confidential, and Defendants referred to the substance of one such document within the text of Defendants' memorandum supporting their Motion for Summary Judgment, which was filed on September 27, 2019.

II. Exhibits Designated by Plaintiffs as Confidential

Pursuant to the Stipulated Protective Order (Dkt. 45), Plaintiffs designated their Responses to Defendants' Interrogatories as confidential. The relevant Interrogatory response –

the response to Interrogatory 11 – is contained within Exhibit 3 to Defendants’ memorandum in support of Defendants’ *prior* Motion for Summary Judgment (Dkt. 98). Defendants referred to the substance of one of Plaintiffs’ Interrogatory responses – the response to Interrogatory 11 – within Defendants’ memorandum supporting their Motion for Summary Judgment filed on September 27, 2019.

Because Plaintiffs have labeled this information as confidential pursuant to the Stipulated Protective Order (Dkt. 45), Defendants have filed this Motion to Seal pursuant to Local Civil Rule 5.

Until the Court determines whether certain references within the text of Defendants’ memorandum supporting their Motion for Summary Judgment should be sealed, Defendants have filed a redacted version of Defendants’ memorandum in support of their Motion for Summary Judgment (Dkt. 250).

Ashcraft v. Conoco, Inc., 218 F.3d 282 (4th Cir. 2000), held that documents may be sealed pursuant to district court order when the court: (1) provides notice to the public and gives it an opportunity to object to sealing, (2) considers less drastic alternatives, and (3) provides specific findings in support of the decision to seal and the rejection of alternatives. Those requirements are met here.

First, Defendants have concurrently filed a Notice of Filing of Sealing Motion (Dkt. 252) pursuant to Local Civil Rule 5 to be docketed by the Clerk. The Notice will provide the public with an opportunity to object to the sealing of the document in question.

Second, no feasible alternative exists to filing this document under seal, in light of the Stipulated Protective Order (Dkt. 45) requiring information designated confidential pursuant to the Order to be filed with the Court consistent with Local Rule 5 of the Eastern District of

Virginia. Accordingly, the utmost discretion and confidentiality is necessary, and filings in this action should be kept under seal.

III. CONCLUSION

For the aforementioned reasons, Defendants respectfully submit their Motion to Seal for consideration by the Court.

Respectfully submitted,

WAPLES MOBILE HOME PARK LIMITED
PARTNERSHIP, WAPLES PROJECT LIMITED
PARTNERSHIP AND
A. J. DWOSKIN & ASSOCIATES, INC.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2019, I caused the foregoing to be filed electronically with the Clerk of the Court using CM/ECF, which will then send a notification of such filing to all counsel of record.

/s/

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